

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

JOSEPH WAYNE MARSH,

Petitioner,

vs.

WARDEN JIM SALMONSEN,
ATTORNEY GENERAL OF THE
STATE OF MONTANA,

Respondents.

Cause No. CV 22-10-BLG-SPW-TJC

ORDER

On March 10, 2025, Marsh was directed to file a status report relative to the *Rhines* stay that had been previously entered and advise the Court of the status of his state court proceedings. (Doc. 16.) Marsh failed to timely respond.

Because it was unclear whether or not Marsh intended to proceed, he was directed to show cause as to why the matter should not be dismissed based upon his failure to comply with the Court's orders and/or failure to prosecute. *See*, (Doc. 17 at 1-2)(citing Fed. R. Civ. P. 41(b); *Malone v. United States Postal Service*, 833 F. 2d 128, 130 (9th Cir. 1987); *Link v. Wabash*, 370 U.S. 626, 629 (1962)).


Marsh responded by informing the Court that he did not intend to seek any further state collateral review and that he has "decided not to proceed with seeking

federal habeas corpus relief under 28 U.S.C. § 2254.” (Doc. 18 at 2.) Marsh requests that his habeas petition be dismissed. (*Id.*)

Federal Rule of Civil Procedure 41(a)(1)(A)(i) provides an avenue for voluntary dismissal and Marsh has demonstrate good cause to support his request. Accordingly, IT IS HEREBY ORDERED:

1. Marsh’s Motion to Dismiss (Doc. 18) is GRANTED. This matter is DISMISSED pursuant to Fed. R. Civ. P. 41(a)(1)(B).
2. The Clerk of Court is directed to enter a judgment of dismissal and close this matter.

DATED this 22nd day of April, 2025.


Susan P. Watters
United States District Court Judge